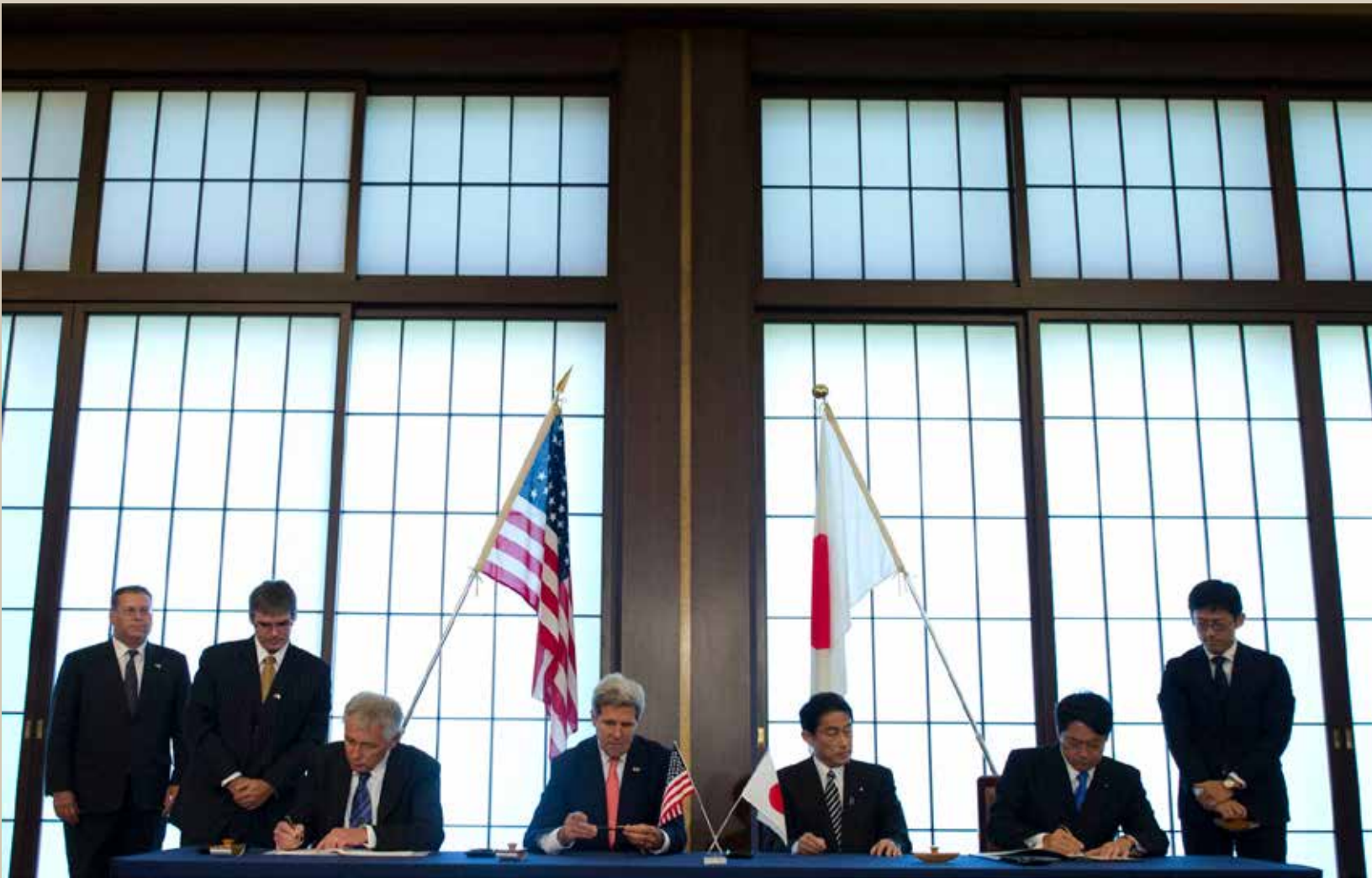


The U.S.-Japan Alliance: Review of the Guidelines for Defense Cooperation

by James J. Przystup



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Cover: Secretary of Defense Chuck Hagel and Secretary of State John Kerry sign document with Japanese Defense officials to improve military and diplomatic relations with Japan, Tokyo, October 3, 2013 (DOD/Erin A. Kirk-Cuomo)

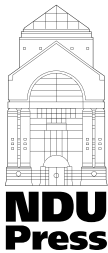
The U.S.-Japan Alliance

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By James J. Przystup

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Executive Summary

This paper is focused on the U.S.-Japan alliance as reflected in the evolution of the U.S.-Japan Guidelines for Defense Cooperation. It begins with consideration of the October 3, 2013, 2+2 Statement released by Secretary of State John Kerry, Secretary of Defense Chuck Hagel, Foreign Minister Fumio Kishida, and Minister of Defense Itsunori Onodera. The statement reaffirmed the critical importance of the alliance to international stability and security, the U.S. commitment to the security of Japan, and a common strategic vision based on shared values. The statement also tasked the two governments to review the existing 1997 U.S.-Japan Guidelines for Defense Cooperation. Over the course of three-plus decades, the guidelines have served as the framework for U.S.-Japan security cooperation.

The guidelines date back to the Cold War. They were first agreed to in 1978 and, operationally, focused on the defense of Japan. Defense planning under the guidelines concentrated on a potential Soviet invasion of Japan's northernmost island, Hokkaido, while assigning regional contingencies to joint studies.

The guidelines, however, failed to address the emerging challenges to international security that followed the dissolution of the Soviet Union and the collapse of the Cold War construct of international relations. In response to Iraq's invasion of Kuwait, the United States fashioned a United Nations-based international coalition to liberate Kuwait. Constrained by political understandings regarding the exercise of collective self-defense, Japan contributed \$13 billion and was internationally criticized for "checkbook" diplomacy. The Persian Gulf War revealed a fundamental disconnect between the United States and Japan in responding to the security challenges of the post-Cold War world.

At the same time, events on the Korean Peninsula—the nuclear crisis resulting from North Korea's withdrawal from the Non-Proliferation Treaty and provocative rhetoric threatening to turn Seoul into a "sea of fire"—revealed serious shortcomings in the guidelines framework for security cooperation. To deal with a potential conflict, the United States moved to augment forces on the peninsula using Japanese ports and airfields, only to meet with Japanese legal restrictions. With still fresh memories of the Persian Gulf War, officials in Washington and Tokyo recognized that a failure by Japan adequately to support the United States in a Korea-like contingency in the Asia-Pacific region could put the alliance at risk. This recognition ultimately led to the 1997 revision of the guidelines.

The 1997 guidelines expanded the focus of the alliance from the defense of Japan to the maintenance of peace and stability in the region, introducing a new area of emphasis,

cooperation in areas surrounding Japan that could significantly affect its security, and recognition that developments in these areas could result in an armed attack on Japan. The revised guidelines opened the door to planning for a Korean Peninsula contingency.

Four years later, the 9/11 terrorist attack on the United States transformed the international security environment and reoriented the Bush administration from its initial focus on great power relations to the Middle East, involving the U.S. in a decade of conflict in Afghanistan and Iraq. During this period, Japan supported counterterrorist maritime operations during Operation *Enduring Freedom* and postconflict reconstruction efforts in Iraq.

In Northeast Asia, the collapse of the Agreed Framework and the development of North Korea's nuclear and missile programs combined to pose a direct threat to the security of Japan and the Asia-Pacific region. Meanwhile, Japan's relations with China grew increasingly complex. The rapid modernization of the People's Liberation Army (PLA), expanding activities of the PLA Navy in waters off Japan, increasing challenges to Japan's administrative control over the Senkaku Islands, and a heightened concern with gray zone situations all resulted in an operational transformation of the Japan's Self-Defense Forces. For over a decade, the Japanese government moved to transition the Self-Defense Forces from a static Cold War force posture to a dynamic force marked by mobility and flexibility and to shift the geographic focus of its activities from Japan's north to its southwestern islands. At the same time, new threats arose in the domains of cyber and space.

To meet the emerging 21st-century international stability and security, the United States and Japan agreed to review the 1997 U.S.-Japan Guidelines for Defense Cooperation. Four key policy decisions related to the geographic extent of the alliance—situations in areas surrounding Japan, extended deterrence, gray zones, and Japan's right to collective self-defense—will shape the review of the guidelines. This report makes recommendations in each area.

Introduction

This report is the product of a study group convened under the auspices of the Institute for National Strategic Studies at the National Defense University to review the United States–Japan alliance and to consider future steps to strengthen its functioning. Special thanks are due to Ambassador (Ret.) Rust Deming, Lieutenant General Wallace Gregson, USMC (Ret.), Rear Admiral Michael McDevitt, USN (Ret.), Paul Giarra, Robin Sakoda, Michael Schiffer, James Schoff, and Nicholas Szczenyi, among others, for their contributions.

The report begins with consideration of the October 3, 2013, Joint Statement of the U.S.-Japan Security Consultative Committee; sets out the broad, historic interests that have guided U.S. policy toward the Asia-Pacific region; reviews the evolution of the U.S.-Japan alliance, beginning with the initial 1978 guidelines for defense cooperation through the 1997 review of the guidelines; and concludes with a look ahead at the challenges and issues that will shape the pending 2014 review of the defense guidelines.

The Joint Statement

The Joint Statement of the U.S.-Japan Security Consultative Committee, “Toward a More Robust Alliance and Greater Shared Responsibilities,” was issued at the conclusion of the 2+2 meeting of the U.S. Secretaries of State and Defense and Japan’s Ministers for Foreign Affairs and Defense in Tokyo on October 3, 2013. Significantly, the October 3 meeting was the first 2+2 meeting ever held in Tokyo, placing the alliance at the core of the ongoing U.S. strategic rebalance to the Asia-Pacific region.

The Joint Statement reaffirmed the “indispensable role” played by the alliance “in the maintenance of international peace and security”; the U.S. commitment “to the security of Japan”; and a shared strategic vision, based on “values of democracy, the rule of law, free and open markets and respect for human rights.”

In this context, the alliance partners agreed to take “several steps to upgrade significantly the capability of the U.S.-Japan Alliance.” Among the steps were “revising the 1997 Guidelines for Defense Cooperation, expanding security and defense cooperation in the Asia-Pacific region and beyond, and approving new measures that support the realignment of U.S. forces in Japan.” With Japan committing to an expanded role within the alliance, the United States welcomed its decision to review the existing legal interpretation of the Japanese constitution with regard to the exercise of the right of collective self-defense, as well as its commitment to increase

defense spending to enable Japan to defend its “sovereign territory” and contribute to capacity-building in Southeast Asia.¹

Among the security challenges facing the alliance, the Joint Statement identified “North Korea’s nuclear and missile programs and humanitarian concerns; coercive and destabilizing behaviors in the maritime domain; disruptive activities in space and cyberspace; proliferation of weapons of mass destruction . . . and man-made and natural disasters.” Reiterating shared strategic objectives toward China, the Joint Statement encouraged Beijing to play “a responsible and constructive role in regional stability and prosperity, to adhere to international norms of behavior, as well as to improve openness and transparency in its military modernization with its rapid[ly] expanding military investments.”

In terms of U.S.-Japan defense cooperation, the Joint Statement emphasized the importance of strengthening the deterrence and defense posture of the alliance through joint planning, training, and operations. Among areas highlighted for enhanced bilateral cooperation are missile defense; cyberspace; space (the agreement of Japan’s Aerospace Exploration Agency to share information with the United States to strengthen domain awareness in space as well as space-based maritime awareness); joint intelligence, surveillance, and reconnaissance; information security; defense equipment and technology/equipment acquisition collaboration; bilateral planning; and joint training and exercises.²

The United States and the Asia-Pacific Region

Historically, for over a century, under both Democratic and Republican administrations, U.S. interests in the Asia-Pacific region have remained remarkably consistent:

- protection of the United States and its citizens from attack—the opening of Japan was in part related to the protection of U.S. merchantmen engaged in commerce with China
- access to markets of the region—the essence of the Open Door in China
- freedom of navigation to ensure access to and through the region
- maintenance of a stable balance of power that would support regional peace and stability and facilitate U.S. economic and political access to the region
- promotion of democracy and human rights

- support for U.S. security treaty allies—beginning in the mid-20th century and most recently reaffirmed by President Barack Obama in his May 28, 2014, address at West Point.

Over the past century, the United States has pursued these interests in a number of ways. In the early 20th century, President Theodore Roosevelt played balance of power diplomacy, aligning the United States with Japan to check Russian expansion in northern China and the Korean Peninsula and to protect American strategic interests on the Asian mainland. Following World War I, the United States resorted to multilateralism and Great Power cooperation, embodied in the Washington Conference Treaties, to affirm the sovereignty and territorial integrity of China, preserve the postwar status quo in the Pacific, and regulate naval armaments. During the Cold War, the United States relied on bilateral alliances—with Japan, the Republic of Korea, Australia, the Philippines, and Thailand—to protect these countries from aggression as well as to advance its strategic interests in the Asia-Pacific region. This system of bilateral defensive alliances remains today as the bulwark of regional security.

For over six decades, the U.S.-Japan alliance and the U.S. forward-deployed presence in Japan have served as the foundation for stability, prosperity, and security in the Asia-Pacific region and beyond. For the United States, the ability to project power and meet security commitments to Japan, the Republic of Korea, and allies across the region and to assure partners of its continuing presence in the region remains directly dependent on the alliance structure. For the United States, the alliance with Japan is the foundation of its regional and global security strategies. The ability to project power nearly halfway around the world from Japan was critical to the allies' success in the 1991 Persian Gulf War—the USS *Independence* was then home-ported in Yokosuka, Japan—and the deployment of the *Kitty Hawk* from Japan to the Persian Gulf to support Operations *Southern Watch* and *Iraqi Freedom* again underscored the global significance of the U.S. presence in Japan and the U.S.-Japan alliance.

Today, the United States and its allies in the Asia-Pacific region are engaged in updating and strengthening the alliances to address the security challenges of the 21st century. It is in this context that the United States and Japan in 2014 are now engaged in reviewing the 1997 Guidelines for U.S.-Japan Defense Cooperation. The present review takes place against the background of previous efforts to enhance alliance-based security cooperation—namely, the defense guidelines of 1978 and 1997.

Evolution of the Alliance: The 1978 Guidelines

In 1975, following a meeting in Tokyo between Secretary of Defense James Schlesinger and the Director General of Japan's Self-Defense Agency, Michita Sakata, the United States and Japan agreed to hold annual defense-related meetings and to establish, under the Security Consultative Committee, the Subcommittee on U.S.-Japan Defense Cooperation.

The Guidelines for U.S.-Japan Defense Cooperation, issued on November 27, 1978, represented the outcome of the subcommittee's deliberations. The guidelines focused on three major areas: "Posture for Deterring Aggression; Actions in Response to an Armed Attack Against Japan; and Japan-U.S. cooperation in the case of situations in the Far East outside of Japan which will have an important influence on the security of Japan." The subcommittee agreed to set aside matters relating to sensitive Japanese domestic issues, Japan's constitution, the Three Non-Nuclear Principles, and prior consultation regarding changes in the deployment of U.S. forces and equipment in Japan.

The guidelines centered the deterrence posture of the alliance on the combined strength of Japan's own defense capabilities, U.S. forward-deployed forces in Japan, and the U.S. nuclear deterrent. With regard to armed attacks, Japan assumed responsibility to "repel limited, small-scale aggression" with large-scale attacks addressed in cooperation with the United States. Japan would take the lead in "defensive operations in Japanese territory and its surrounding waters and airspace," with U.S. forces playing a supporting role. Intelligence cooperation and mutual logistical support aimed to enhance operational effectiveness. As for developments in the region affecting the security of Japan, the two sides agreed to conduct studies on the nature and dimension of assistance that Japan, in accordance with its "relevant laws and regulations," could provide to the United States.³

Operationally, the guidelines focused on the defense of Japan. In the existing Cold War context, an attack by the Soviet Union on Japan's northern island of Hokkaido served as the focus of defense planning. Responses to regional security issues were set aside for joint study and consultation. Conceptually, however, the guidelines opened the alliance to enhanced cooperation, to joint planning and training, and, down the road, to the prospect of interoperability. Defense exercises, however, remained focused on a Soviet invasion.

In their joint study, *The 1978 Guidelines for the U.S.-Japan Defense Cooperation: Process and Historical Impact*, Michael J. Green and Koji Murata concluded that the guidelines failed to establish a clear understanding with regard to "bilateral planning for regional contingencies," to

provide a legal foundation to allow Japan to engage in contingency planning, and to establish an interagency consensus within Japan's bureaucracy to allow for contingency planning.⁴

The Persian Gulf War

On December 25, 1991, President of the Union of Soviet Socialist Republics (USSR) Mikhail Gorbachev resigned from office; the following day, the Supreme Soviet declared the dissolution of the USSR. Even before the formal end of the Soviet Union, the international environment was evolving away from the Cold War's bipolar structure; German unification had taken place on October 3, 1990, while new security challenges were emerging in the Middle East and on the Korean Peninsula.

On August 2, 1990, Iraq invaded Kuwait and, on August 8, announced the annexation of that country. On November 29, the United Nations (UN) Security Council adopted Resolution 678, authorizing the use of "all necessary means" against Iraq in the event it did not withdraw from Kuwait by January 1991. On January 17, 1991, the United States, leading an international coalition and acting under Resolution 678, initiated Operation *Desert Storm* with an air offensive against Iraq; a ground assault on Iraqi forces followed on February 24. On March 2, the UN Security Council adopted Resolution 686 calling on Iraq to agree to a cease-fire. The following day, allied and Iraqi commanders reached a cease-fire agreement. Thirty-two nations contributed military forces to the allied coalition. A larger number of states, including Japan, extended financial and nonmilitary assistance.

In its efforts to build the allied coalition, the United States looked to Japan for support. The Persian Gulf War presented Japan with a constitutional issue and the alliance with a contingency geographically beyond the defense of Japan envisaged in the 1978 Guidelines for U.S.-Japan Defense Cooperation. Acting under the existing interpretation of Article 9 of Japan's constitution that narrowly defined the defense of Japan and limited the use of force to the minimum necessary to defend Japan, the Japanese government, in lieu of the deployment of its Self-Defense Force (SDF), contributed \$13 billion to support coalition forces—and found itself internationally criticized for "checkbook diplomacy."⁵ The Gulf War revealed a serious disconnect between the United States and Japan in responding to new post-Cold War security challenges.

In early 1994, Prime Minister Morihiro Hosokawa appointed a blue-ribbon advisory panel to study the security implications of the emerging post-Cold War international order. The panel chaired by Horitaro Higuchi, chairman of the board of Asahi Breweries, submitted its report, *The Modality of Security and Defense Capability of Japan: The Outlook for the 21st Century*, on August 5, 1994. The report was popularly referred to as the Higuchi Report.⁶

The report, reflecting in part international criticism of Japan's checkbook diplomacy, pointed Japan toward a more active international engagement, calling on the country to "extricate itself from its security policy of the past that was, if anything passive, and henceforth play an active role in shaping international order."⁷ To this end, the report advocated that participation in UN peacekeeping activities be recognized as a "major duty of the Self-Defense Force" and that the Self-Defense Law be amended to add peacekeeping to the "primary duties of the SDF."

The alliance with the United States remained an "indispensable precondition for the defense of Japan"; its nuclear deterrent likewise was "indispensable," while U.S.-Japan security cooperation represented a "positive 'alliance for peace.'"⁸ The report called for enhanced cooperation across a broad spectrum, "including operations, intelligence/command, communications, logistics support, and equipment procurement."⁹ The alliance, however, retained the defense of Japan orientation embodied in Article V of the Guidelines for U.S.-Japan Defense Cooperation.

As for the SDF, the Higuchi Report found that maintenance of "the minimum necessary level of basic defense capability . . . remains basically valid," allowing the SDF to deal with "limited and small-scale aggression."¹⁰ The report argued for capabilities that would enable the SDF to deal with "interference in the safety of maritime traffic, violation of territorial airspace, limited missile attack, illegal occupation of a part of the country, terrorist attacks, and influx of armed refugees."¹¹

With slightly different formulations, these security concerns have been consistently articulated in Japan's defense planning documents over the past 20 years, most recently in the Shinzo Abe government's National Security Strategy and the 2013 National Defense Program Guidelines (NDPG).

North Korea's Nuclear Ambitions

As the Cold War was winding down, North Korea's nuclear program presented the United States and its alliance partners, the Republic of Korea and Japan, with new security challenges. In late 1991 and early 1992, despite longstanding antagonisms between Pyongyang and Seoul, a post-Cold War détente on the Korean Peninsula appeared in the offing. On December 13, 1991, North and South Korea signed the Agreement on Reconciliation, Non-Aggression and Exchanges and Cooperation. Subsequently, on January 20, 1992, Seoul and Pyongyang signed the Joint Declaration on the Denuclearization of the Korean Peninsula and, on April 10, North Korea signed the International Atomic Energy Agency (IAEA) Safeguards Agreement.

However, in signing the Safeguards Agreement, North Korea acknowledged that it had engaged in small-scale reprocessing. IAEA inspections of North Korea's Yongbyon facility followed,

yielding discrepancies with regard to North Korea's documentation of its reprocessing activities. Efforts by the IAEA to conduct special inspections of waste storage sites met with North Korean obstruction. On March 20, 1993, North Korea announced its intention to withdraw from the Nuclear Non-Proliferation Treaty (NPT). Rising tensions on the peninsula and a heightened possibility of conflict put U.S. security interests and alliance commitments into play.

The crisis ended with the signing of the U.S.-North Korea Agreed Framework on October 21, 1994, but the prospect of military involvement on the part of the United States revealed serious operational gaps in the 1978 guidelines.

To the 1997 Guidelines

In the early years of the Bill Clinton administration, the U.S.-Japan relationship was marked by a series of contentious trade negotiations under the Structural Impediments Initiative, which aimed at expanding U.S. access to Japanese markets by removing Japan's internal structural barriers to U.S. imports. At the same time, the Higuchi Report appeared to policymakers in Washington to downplay the centrality of the alliance and put greater emphasis on Japan's multilateral engagement, while the Cold War rationale for the U.S. forward-deployed presence in Japan and the Asia-Pacific region came under challenge in both the United States and the region.

To address the evolving security environment in post-Cold War Asia, the Clinton administration released the East Asia Strategy Report in February 1995. The report set out U.S. economic and strategic stakes in the region, reaffirmed U.S. security commitments, and announced its intention to maintain a forward-deployed force presence of approximately 100,000 in the region. The report defined the U.S.-Japan alliance as "the linchpin of the United States security policy in East Asia." At the end of year, Japan released the Fiscal Year 1996 National Defense Program Outline, which tracked closely with the analytical framework of the international environment and policy orientation of the Higuchi Report, including the "indispensable" nature of the alliance to Japan's security. The report also re-introduced into the security dialogue language relating to "situations in areas surrounding Japan" having "an important influence on national peace and security" and called for the "smooth and effective . . . implementation of Japan-U.S. security arrangements" in responding to such situations. The report referred to "continuing tensions on the Korean Peninsula" and lack of a "stable security environment" there.¹²

The reference to "situations in areas surrounding Japan" first appeared in the 1978 Guidelines for U.S.-Japan Defense Cooperation in which the two governments committed to studies on "the scope and modalities of assistance to be extended to U.S. Forces by Japan." The 1993-1994

North Korean nuclear crisis raised the issues relating to assistance to an operational level.¹³ In the face of Pyongyang's withdrawal from the NPT, violation of the IAEA Safeguards Agreement, and resumption of reprocessing, accompanied by belligerent "sea of fire" rhetoric threatening destruction of Seoul, the United States began preparations to augment forces on the Korean Peninsula using Japanese ports and airfields. Japanese officials, however, made clear that Japanese law did not sanction the use of non-Status of Forces Agreement facilities. In both Washington and Tokyo, policy officials, with memories of the Gulf War still fresh in their minds, recognized that failure to respond to a Korean-like contingency in the Asia-Pacific region could put the alliance at risk. For U.S. policymakers and strategists, this highlighted the need to revise the 1978 guidelines to account for the changing post-Cold War strategic environment in East Asia.¹⁴

Five years after the end of the Cold War, on the occasion of President Clinton's visit to Tokyo in April 1996, President Clinton and Prime Minister Hashimoto signed the U.S.-Japan Joint Declaration on Security–Alliance for the 21st Century. The declaration recognized the contribution of the alliance to Asia's peace and security during the Cold War and its continued relevance in fostering the region's economic dynamism. The declaration reaffirmed the alliance as the "cornerstone for achieving common security objectives and for maintaining a stable and prosperous environment for the Asia-Pacific region," U.S. nuclear deterrence as "the guarantee of Japan's security," and U.S. military presence as "essential to preserving peace and stability in the Asia-Pacific region." The President and prime minister also committed their governments to review the 1978 guidelines and in the process "to promote bilateral policy coordination, including studies on bilateral cooperation in dealing with situations that may emerge in the areas surrounding Japan." Finally, the joint declaration outlined areas for cooperation at the regional and global levels.¹⁵

The 1997 revision expanded the focus of the alliance from Article V of the U.S.-Japan security treaty, which is focused on the defense of Japan, to Article VI, which is focused on the maintenance of peace and stability in the Asia-Pacific region, where the greatest challenges to the post-Cold War order were evolving. The revised defense guidelines emphasized three main areas: defense cooperation under normal circumstances; actions in response to an armed attack against Japan; and cooperation in areas surrounding Japan that will have an important influence on Japan's peace and security, known as "situations in areas surrounding Japan" (SIASJ), the new area of emphasis.

In the event of an armed attack against Japan, Japan had primary responsibility "immediately to take action and to repel an armed attack" and "primarily conduct defensive operations," while the United States provided supporting offensive operations. Coordination

required a determination of roles and missions and the establishing of a bilateral coordinating mechanism with respect to “effective bilateral operations . . . intelligence activities and logistics support.” The revised guidelines established a multi-departmental Bilateral Coordination Mechanism to be activated in response to contingencies.

Cooperation with respect to SIASJ was divided into three categories: first, relief activities, including refugees, search and rescue, noncombatant evacuations, and international sanctions enforcement; second, Japanese central and local government as well as private sector support, including use of Japanese facilities and rear area support; and third, operational cooperation, including intelligence, surveillance, reconnaissance, and minesweeping. Support in international waters and airspace excluded “areas where combat operations are being conducted.” Forty specific areas for cooperation are listed in an appendix to the 1997 revised guidelines.

The document worked to establish a security linkage between Article V and Article VI, recognizing that “a situation in areas surrounding Japan may develop into an armed attack against Japan [and that] the two Governments will be mindful of the close interrelationship of the two requirements: preparations for the defense of Japan and responses to or preparations for situations in areas surrounding Japan.”¹⁶ However, because SIASJ risked raising issues with regard to Japan’s exclusively defense-oriented policy as well as constitutional and political restrictions on the exercise of collective self-defense, a specific reference to the geographic applicability was omitted.

During debates over legislation to implement the revised guidelines, members of the Diet attempted to define the geographic extent of “situations in areas surrounding Japan”—for example, did the concept extend to the Korean Peninsula, to Taiwan, to the Straits of Malacca? In response, Japanese government officials avoided specific geographic references and defined the concept as “situational, not geographic,” as did the Clinton administration. In 1999, Japan’s Diet adopted the Act Concerning Measures for Peace and Safety in Areas Surrounding Japan and moved to put in place the necessary legislative and regulatory authorizations to implement the revised guidelines, while the United States and Japan worked to develop the bilateral coordinating mechanisms and understandings necessary to enable an effective response to a regional crisis.

From the Unipolar Moment

Notwithstanding the so-called U.S. “Unipolar Moment” posited by Charles Krauthammer in his 1990–1991 *Foreign Affairs* article, within a decade, new challenges, then just faintly visible on the horizon, soon began to transform the international security environment—and the security interests of the United States and Japan.

The 9/11 terrorist strikes against the United States reoriented the attention of the George W. Bush administration from its initial focus on great power relationships to the Middle East, involving the United States in a decade of conflict in Iraq and still ongoing fighting in Afghanistan. During this period, Japan adopted the Anti-Terrorism Special Measures Law, providing for replenishment support to counterterrorist maritime operations during Operation *Enduring Freedom* in Afghanistan, and the Special Measures Law for Humanitarian and Reconstruction Assistance in Iraq, supporting postconflict international reconstruction efforts there. In a 2003 address to the Defense Academy, Prime Minister Junichiro Koizumi linked Japan's actions to the alliance, arguing that at a time when Japan's "irreplaceable ally" was making sacrifices on behalf of the international community to do away with weapons of mass destruction in Iraq, it was only natural that Japan, as an ally, would support U.S. efforts to the extent possible. In 2008, legislation to support the Maritime Interdiction Operation off the Horn of Africa defined the fight against terrorism as "Japan's own problem" and made clear that "Japan will continuously make an active contribution on its own initiative for the prevention and eradication of international terrorism."¹⁷

On the Korean Peninsula, implementation of the Agreed Framework appeared to have constrained North Korea's nuclear program. However, Pyongyang continued to develop its missile arsenal and, on August 31, 1998, launched a two-stage Taepodong missile that travelled through Japanese airspace before landing in the Pacific Ocean off Japan. Four years later in October 2002, North Korea's First Vice Foreign Minister Kang Suk Ju, in talks with Assistant Secretary of State James Kelly, admitted the existence of the uranium enrichment program. At the end of the year, North Korea announced that it would resume operation of its nuclear-related facilities, and in January 2003, Pyongyang announced its withdrawal from the Nuclear Non-Proliferation Treaty. At the invitation of China, officials from North Korea, the United States, and China met in Beijing in April 2003 but failed to resolve the stalemate over North Korea's nuclear program. China subsequently repackaged the Three-Party Talks into a Six-Party format (China, the United States, North Korea, South Korea, Japan, and Russia), which convened in August 2003. Two years later, on September 19, 2005, the Six-Party Talks produced a Joint Statement, in which Pyongyang committed to denuclearization.¹⁸

In April 2004, Prime Minister Junichiro Koizumi created a blue-ribbon advisory panel, the Council on Security and Defense Capabilities, to review Japan's security requirements in light of changes in the post-9/11 international environment. The panel submitted its report, called the Araki Report, in October 2004. Finding the international situation "much more complex than

before,” the report called for an integrated security strategy having two major objectives: first, “to prevent a direct threat from reaching Japan,” and second, “to reduce the chances of threats arising in various parts of the world . . . from reaching Japan or affecting the interests of Japanese expatriates or corporations overseas.”¹⁹

Japan would advance this strategy through its own endeavors, alliance-based cooperation, and international cooperation. To support the new security strategy, the panel, while reaffirming the 1976 Basic Defense Force Concept (the minimum necessary basic defense force), advocated a revision of the Cold War force concept, based on state-to-state conflict, toward the development of a Multifunctional Defense Force able to meet the challenges of the post-9/11 world—international terrorism, participation in UN-authorized peacekeeping operations, humanitarian relief operations—as well as being able to defend Japan. The Multifunctional Defense Force was to have “rapid-response capability and the ability to collect and analyze information” to deal effectively with various threats.²⁰

The report called for a review of restrictions on the use of arms by SDF members engaged in peacekeeping operations, the upgrading of peacekeeping to become a primary mission of the SDF, adoption of a general peacekeeping law, and relaxation of the Three Principles on Arms Export to allow joint development of ballistic missile defense with the United States. The document also raised the issue of “strike capability” in instances when “there is no alternative to possess offensive capabilities against enemy missile bases as a last resort.”²¹ In an addendum, the panel called on the government “to promote the debate on the exercise of the right of collective self-defense in order to clarify what Japan should and/or can do within the framework of the Constitution, and expeditiously settle this issue.”²²

The 2005 NDPG, released December 10, 2004, for the most part followed the analysis and recommendations in the Araki Report. Discounting a large-scale invasion of Japan as highly unlikely, the NDPG found that Japan had to be prepared to deal with “new threats and diverse situations.” The report signaled a structural shift from a static Cold War defense posture to one that is “highly ready, mobile, adaptable and multipurpose” and tasked with being able to respond to ballistic missile attacks and to attacks by guerrillas and special operations forces; defend Japan’s “offshore islands”; and address violations of Japan’s “airspace and the intrusion of armed special purpose ships and other similar vessels” as well as being able to deal with a “full-scale invasion” and “engage actively in international peace cooperation activities.”²³

At the same time, Japan’s relations with China grew increasingly complex. At the turn of the century, China was nearing the mid-point in a 20-year run of double-digit increases in defense spending; modernization of the People’s Liberation Army (PLA) emphasized developing

capabilities that would allow it to fight a local war under modernized high-technology conditions. In November 2004, a Chinese submarine traveled submerged through Japan's territorial waters off Okinawa; in response, Tokyo issued a Maritime Security Operations order. The 2004 NDPG noted China's continuing modernization of "its nuclear forces and missile capabilities as well as its naval and air forces." The report called attention to the fact that "China is also expanding its area of operation at sea." Accordingly, Japan would have to "remain attentive to its future actions."²⁴ The reference to China in the 2004 NDPG marked the first time China was specifically cited in a public Japanese defense document.²⁵

Japan's annual Defense White Paper, *Defense of Japan 2005*, also called attention to China's ongoing military modernization, increasing naval activities in waters off Japan, including a reference to the 2004 submarine incident, as well as the need for China to enhance transparency of its military budget. The White Paper observed that "it is necessary . . . to carefully evaluate whether the modernization of China's military forces exceeds the level necessary for national defense."²⁶ Foreign Minister Taro Aso told a news conference that China was becoming "a considerable threat."²⁷

In February 2006, the then-opposition Democratic Party of Japan adopted a policy paper that defined China as an "actual threat." Minister of Agriculture Shoichi Nakagawa, on March 7, 2007, defined China as "a direct military threat," with its defense spending having grown "abnormally since the 1990s."²⁸ Commenting on the 2007 Defense White Paper, Minister of Defense Yuriko Koike observed that "China's military strength has been steadily growing, greatly affecting the regional situation and the security of Japan."²⁹ The 2009 Defense White Paper found that threats in the seas around Japan were increasing and that Japan's defense was ill prepared to deal with the emerging challenges. In March 2013, Foreign Minister Fumio Kishida told an NHK television audience that China's "opaque way of increasing its military spending and aggressive maritime advancement is a threat not only for Japan, but also for the region as a whole." Kishida later revised his remarks to cite China as a "concern."³⁰

To support its position in the southwest islands, Japan in October 2008 deployed a squadron of F-15s on rotational basis to Naha, Okinawa. In March 2010, the Ground Self-Defense Force (GSDF) Brigade on Okinawa was reformed, and discussions were held on the possible deployment of GSDF forces to Yonagumi Island, Japan's most distant southwest island. In April 2014, Minister of Defense Itsunoro Onodera broke ground for the construction of a new radar site and GSDF base on Yonagumi Island, and on April 20, the Ministry of Defense announced the deployment of a squadron of four E2C patrol aircraft from Misawa to Naha, Okinawa.

These steps reflected the heightening of territorial disputes in the first decade of the 21st century, with controversy over the Senkaku/Diaoyu Islands continuing to intensify over the 10-year span. In 2003, Japanese plans to lease three of the Senkaku Islands from their private sector owner drew protests from Beijing and were subsequently dropped. In 2004, Chinese activists landed on Uotsuri Island and were arrested by Okinawa Prefectural Police, and, in 2011, Japanese activists, contravening Tokyo's prohibition, landed on Minami Kojima. In the interim, activists of both countries attempted to reach the islands to support sovereignty claims. Incidents involving Chinese maritime law enforcement agencies and Japan's coast guard remained episodic, but after the September 2010 fishing boat incident, the frequency of incidents increased markedly and exponentially following Japan's purchase of three of the five Senkaku Islands from their private sector owner in September 2012.

At the end of 2013, in the almost 16 months following nationalization, the total number of incursions into Japan's territorial waters in the Senkakus by Chinese coast guard ships totaled 256: of these, 68 were in the period September–December 2012, and 188 were in 2013.³¹ The intensification of China's activities in the islands gave rise in Japan to concerns about “gray zone” situations, such as landings on the islands by Chinese fishermen, possibly backed by PLA Navy deployments. Similarly, incursions by Chinese aircraft into Japan's Air Defense Identification Zone resulted in 156 Air Self-Defense Force scrambles in the period April 2011–March 2012; 306 between April 2012 and March 2013; and 415 between April 2013 and March 2014.³² In November 2013, China declared an East China Sea Air Defense Identification Zone that extended over the Senkaku Islands.

Japan's first National Security Strategy, released December 17, 2013, defined the security environment surrounding Japan as becoming “ever more severe.”³³

Strategic Convergence

Japan's 2013 National Security Strategy and the U.S. Department of Defense 2014 Quadrennial Defense Review (QDR), released March 4, 2014, point to an emerging strategic convergence between Japan and the United States with respect to the nature of the international security environment and the security challenges faced in the Asia-Pacific region.

Highlighted in Japan's National Security Strategy are the shift in the global balance of power marked by the rise of China and India and the rapid spread of technological innovation, which have combined to shift the locus of the world's political and economic activity to the Asia-Pacific region; the threat of proliferation of weapons of mass destruction, particularly the threat posed by North Korea's nuclear and missile programs; the threat of

international terrorism; and risks to the global commons in the maritime, cyber, and space domains, marked by “an increasing number of cases of unilateral actions in an attempt to change the status quo by coercion without paying respect to existing international law.” The document found that, in the South China Sea, “disputes . . . between coastal states and China cause concerns over the maintenance of the rule of law at sea, freedom of navigation, and stability in the Southeast Asia region.”³⁴

Japan’s National Security Strategy also called attention to gray zone situations, which it defined as being “neither pure peacetime nor contingencies over territorial sovereignty and interests,” but having the risk of developing into “grave situations” given Asia’s diverse security perspectives and lack of an institutional security structure in the region.³⁵

As for China, the document expressed the expectation that it will “share and comply with international norms and play a more active and cooperative role for regional and global issues.” At the same time, it noted China’s “rapidly advancing . . . military capabilities” and lack of “sufficient transparency” with regard to its increasing defense budget. Moreover, the National Security Strategy found that:

China has taken actions that can be regarded as attempts to change the status quo by coercion based on their own assertions, which are incompatible with the existing order of international law in the maritime and aerial domains. In particular, China has rapidly expanded and intensified its activities in the seas and airspace around Japan, including intrusion into Japan’s territorial waters and airspace around the Senkaku Islands.

In sum, the National Security Strategy found China’s actions to be matters of “concern to the international community, including Japan,” requiring Japan’s “careful attention.”³⁶

Like Japan’s National Security Strategy, the 2014 U.S. Quadrennial Defense Review recognized an “uncertain and complicated” globalized security environment in which “the Asia-Pacific region is increasingly central to global commerce, politics, and security.” The QDR noted the increase of military capabilities across the region and existence of “long-standing sovereignty disputes or claims to natural resources” that could put at risk regional peace and prosperity. As for China, the QDR called attention to “the rapid pace and comprehensive scope of China’s military modernization” and the “relative lack of transparency and openness . . . regarding both military capabilities and intentions.” North Korea was cited as “a significant threat to peace and stability on the Korean peninsula and in Northeast Asia and is a growing direct threat to the United States.”³⁷

The QDR followed the priorities of the 2012 Defense Strategic Guidance with its emphasis on the rebalance to the Asia-Pacific region and defined U.S. interests as “inextricably linked to the peace and security of the Asia-Pacific region.”³⁸ Accordingly, the document called for the maintenance of a forward-deployed U.S. presence in the region, augmented by rotational forces; the updating of bilateral alliances with Japan, the Republic of Korea, Australia, the Philippines, and Thailand; cooperation with allies and partners “to address growing regional challenges, such as missile defense, cyber security, space resilience, maritime security and disaster relief”; and the pursuit of access to support a continuing U.S. presence.³⁹

The QDR also noted that the diffusion of technology has enabled the development of asymmetric capabilities aimed at offsetting U.S. military strengths and that, in the years ahead, “China will continue to counter U.S. strengths using anti-access and area-denial (A2/AD) approaches” and employ “other new cyber and space control technologies.”⁴⁰ The report cautioned that the development of such capabilities can “restrict access and freedom of maneuver in waters and airspace beyond territorial waters” and challenge “U.S. and partner naval forces and land installations.”⁴¹ The QDR emphasized sustaining “superior power-projection forces” by investing in “combat aircraft, including fighters and long-range strike, survivable persistent surveillance, resilient architectures and undersea warfare . . . to counter A2/AD challenges.”⁴²

Historically, going back to the opening of Japan and the Open Door policy toward China, the concept of “access” has been at the core of U.S. strategy toward the Asia-Pacific region; China’s growing A2/AD capabilities represent a fundamental strategic challenge to the United States. Being able to “access” the region is critical to the U.S. ability to reassure allies and extend deterrence.

Shaping the Guidelines Review: Four Key Policy Decisions

Four key policy areas will define the framework and shape the substance of the 2014 U.S.-Japan Defense Guidelines Review. They involve policy decisions with respect to the following: the continuing relevance of the concept of situations in areas surrounding Japan (SIASJ) as a planning and operational construct; extended deterrence/reassurance; gray zone situations; and Japan’s decision with regard to the exercise of the right of collective self-defense.

Situations in Areas Surrounding Japan

The introduction of SIASJ into the 1997 Defense Guidelines expanded the aperture for U.S.-Japan defense planning from Article V, Defense of Japan contingencies, toward regional contingencies under Article VI of the alliance. SIASJ allowed both governments to consider issues

related to a possible Korean Peninsula contingency. In the intervening years, Japan's security interests have expanded across the globe, as have its contributions in support of international order and stability, as underscored by its support for Operation *Enduring Freedom*, Operation *Iraqi Freedom*, and its participation in UN peacekeeping operations and anti-piracy operations off Somalia and the Horn of Africa.

At the same time, the Common Strategic Objectives that were outlined in successive 2+2 statements of the U.S.-Japan Security Consultative Committee issued in 2005, 2007, 2010, and 2011 reflect a globalization of the alliance. The 2005 and 2007 joint statements were issued under the auspices of Liberal Democratic Party (LDP) governments, while the 2010 and 2011 statements represent a reaffirmation of the Common Strategic Objectives by governments under the Democratic Party of Japan (DPJ). Together, the joint statements reflect a political consensus in Japan with regard to the objectives and scope of the alliance and point to broad areas for alliance-based cooperation.

Meanwhile, as Japan's 2013 National Security Strategy has recognized, in an age of globalization marked by the rapid diffusion of technology, the threats posed by terrorism and nonstate actors, "irrespective of where they originate in the world, could instantly have a direct influence on the security of Japan."⁴³

Extended Deterrence Dialogue

The U.S.-Japan dialogue on extended deterrence began in the wake of the 2010 Nuclear Posture Review. The objective of the dialogue was to engage Japanese officials in a routinized discussion of concepts involved in extended deterrence, including the role of nuclear weapons.

In the short to near term, Japanese defense officials are focused on the challenges posed to extended deterrence by North Korea's nuclear and ballistic missile programs. Over the long term, they are focused on China—the modernization of its nuclear force posture and development of A2/AD capabilities—and, at the same time, the evolution of the U.S.-China strategic relationship, the significance of the U.S.-China New Great Power Relationship.

With regard to North Korea, Japanese strategists are concerned with the possibility of alliance "decoupling"—that Pyongyang may come to believe that its nuclear and ballistic missile programs have achieved an effective deterrent against the United States and that, in such an environment, Pyongyang may be inclined to engage in provocations against Japan, confident that its deterrent capabilities would preclude a U.S. response. To address this security challenge, the 2005 Araki report of the Council on Security and Defense Capabilities called for the study of

strike capability as a last-resort measure. A discussion of strike capability resurfaced in the 2013 Mid-Term Review of Japan's National Defense Plan.⁴⁴

During discussions in Tokyo in the summer of 2013, Japanese interlocutors universally recognized that strike capability would not be operationally effective against North Korea's mobile missiles absent access to U.S. command, control, communications, computers, intelligence, surveillance, and reconnaissance assets. They emphasized that consideration of strike capability did not imply a loss of confidence in U.S. extended deterrence and regarded acquisition as a means to strengthen the deterrence posture of the alliance. They also emphasized that Japan would only use strike capability to defend/retaliate, not to pre-empt.

China, they recognized, presented a more complex deterrence case, posing both strategic and regional challenges. In his recent paper, "Extended Deterrence and Strategic Stability in Northeast Asia," Brad Roberts identifies a "stability-instability paradox" that "newly nuclear capable states often become more assertive at the conventional level because of their confidence in being able to deter a strong adversary response with their nuclear means." Japanese strategists are concerned that China's long-range strike capabilities may put at risk U.S. willingness to support Japan in the event of a Sino-Japanese conflict and, at the same time, Beijing's confidence in its modernized nuclear deterrent posture may "encourage China's creeping expansionism and greater assertiveness in advancing its claims in the maritime environment (and elsewhere)."⁴⁵

Similarly, Ground Self-Defense Force Major General Noboru Yamaguchi (Ret.) writes in the working draft of his paper, "The Utility of Nuclear/Conventional Forces in the Second Nuclear Age," that stability at a nuclear strategic level may not extend to or deter provocations at lower levels and may open the door to confrontations at conventional military and paramilitary levels.

Japanese strategists are concerned with the strategic implications of the United States and China moving toward a posture of strategic stability/mutual vulnerability, fearing that it would free China to resort to coercive tactics in regional disputes.

Gray Zones

To deal in part with gray zone challenges, Japan's 2010 National Defense Program Guidelines introduced the concept of a dynamic defense force and dynamic deterrence. The 2010 document shifted the geographic focus of Japan's policy from Japan's north to its southwest islands and continued the transition, initiated by the Araki Report in 2005, from a Cold War static defense force to one marked by "readiness, mobility, flexibility, sustainability and versatility."⁴⁶

Dynamic deterrence focused on the “operational use of the defense forces.” The dynamic defense force would allow Japan to effectively deter and respond to various contingencies, including full-scale invasion, threats to the sea and airspace surrounding Japan, responses to attacks on off-shore islands, cyber attacks, ballistic missile attacks, complex contingencies, and large-scale chemical, biological, radiological, and nuclear disasters, as well as to support efforts to enhance regional and global stability.⁴⁷

The operational presence of the Self-Defense Force is aimed at precluding the development of perceptions that a vacuum of Japanese presence exists in gray zone situations, such as the Senkakus. At the same time, the 2010 U.S. Quadrennial Defense Review also recognized that “the future strategic landscape will increasingly feature challenges in the ambiguous gray area that is neither fully war nor fully peace.”⁴⁸

Japan’s 2014 NDPG noted the increasing trend of gray zone situations. The document also referred to China’s “assertive actions” in the maritime domain; attempts “to change the status quo by coercion”; and frequent incursions into Japan’s sovereign waters and airspace—“activities that could cause unexpected situations”—and emphasized that “Japan will respond effectively and promptly to gray-zone situations or any other acts that may violate its sovereignty.” The guidelines also expanded the dynamic defense force concept into the Dynamic Joint Defense Force, emphasizing the need to strengthen the rapid deployment capabilities of the SDF, in order to achieve effective deterrence and respond to various contingencies. To meet the “increasingly severe security environment,” Japan aimed to “build seamless cooperation with the United States ranging from situations on a day-to-day basis to various situations, including cooperation in responding to ‘gray zone’ situations.”⁴⁹ Today, Japan is concerned that China may challenge it and the alliance in a gray zone situation in the Senkaku Islands. Russia’s recent seizure of Crimea represents an example of an effective gray zone operation.

China’s assertiveness in the South China Sea, in particular the Scarborough Shoal incident, coupled with increasing incursions of Chinese coast guard ships into Japan’s territorial waters in the Senkaku Island chain and the 2013 declaration of an Air Defense Identification Zone in the East China Sea extending over the Senkakus Islands, has focused Japanese defense thinking on gray zone situations and, in the event of possible conflict, on the deterrence challenge posed by China’s A2/AD capabilities.⁵⁰ Both the 2010 and 2014 U.S. Quadrennial Defense Reviews recognized the importance of developing the necessary capabilities to fight and prevail in an A2/AD environment.

Collective Self-Defense

In 2007, Prime Minister Abe established the Advisory Panel on Reconstruction of the Legal Basis for National Security and charged it to review the government's existing interpretation of Japan's constitution that served to restrict the exercise of the right of collective self-defense. The advisory panel considered four cases: defense of U.S. Navy ships, ballistic missile interception, use of weapons in international peace operations, and logistical support for UN peacekeeping operations (PKO)—all cases involving Japan's security interests and potentially the exercise of the right of collective self-defense.

In the foreword to the advisory panel's report, issued June 24, 2008, chairman Shunji Yanai wrote:

As for the interpretation of Article 9, it is also important not to swerve from the original purpose of security or fall into the impediments of adhering to precedent or halting the thinking process. Rather it is essential to review open mindedly the stipulations of the constitution. Furthermore, Japan needs to face up to the stark international security environment and decide on an optimum security strategy to ensure world peace and Japan's security.⁵¹

The report set out the government's existing interpretation of the exercise of the right of collective self-defense—namely, that Japan “as a sovereign state inherently possess the right of collective self-defense under international law, but the exercise of the right of collective self-defense . . . is limited to what is minimum and necessary to defend the country, and the exercise of the right of collective self-defense exceeds that range and therefore is not permitted under the Constitution.”⁵²

The report noted that Japan's security environment had changed “significantly” since the adoption of the constitution and the end of the Cold War: threats were now diverse and required international cooperation to address them. In this context, the report posed the question: “Is the present legal basis for security appropriate and adequate for the implementation of Japan's basic security policies [maintenance of effective defense capabilities, a strong alliance with the United States, and active support for international efforts in support of peace] . . . under today's complex and unstable security environment?” More specifically, it asked whether the government's interpretation of Article 9 of the constitution was “really appropriate and sufficiently convincing?”⁵³ Article 9 reads:

Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes. In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential will never be maintained. The right of belligerency of the state will not be recognized.

In each of the four cases studied, the advisory panel endorsed the exercise of the right of collective self-defense.

With regard to the defense of U.S. Navy vessels coming under attack when engaged in joint operations with Japan's Maritime Self-Defense Force (JMSDF), the panel noted that the present constitutional interpretation would allow defense only in exceptional cases and in the exercise of Japan's right of individual self-defense—only when Japanese and U.S. ships were alongside, when there is an armed attack against Japan and the JMSDF ship was engaged in protecting itself (“reflex effect”)—otherwise, the existing interpretation would not allow an effective response to a missile attack against the U.S. ship. Arguing that failure to defend the U.S. ship would have negative policy consequences adversely affecting Japan's security, the panel judged that “offering defense as part of an exercise of the right of collective self-defense can fully attain the policy goal of defending a U.S. naval vessel and be fully consistent with international law, as Japan can exercise that right as a sovereign state.”⁵⁴

As for interception of a ballistic missile that may be headed to the United States, the panel noted that Japan, acting under the right of individual self-defense, could only shoot down missiles aimed at Japan. The report pointed to the difficulty in discerning the missile's target and the time-sensitive nature of intercept decisionmaking. It observed that, should the United States suffer significant loss due to Japan's failure to exercise the right of collective self-defense, the result would “seriously jeopardize the basis of the Japan-U.S. Alliance, which is the foundation for Japan's security.” The panel concluded “there seems to be no other option than to permit the exercise of the right of collective self-defense, which legally permits the shooting down of such missiles.”⁵⁵

The panel also considered restrictions on the use of weapons by SDF members when engaged in UN peacekeeping operations. The existing constitutional interpretation permitted SDF members to use weapons only in self-defense and to protect those under SDF control; it would not allow the SDF to support forces of other countries engaged in the same peacekeeping operation or to assist forces operating at a geographic distance. Thus, the SDF had to operate “with standards that are different from those applied to other units, even though they are engaged in

joint operations.” This “differentiated standard” only complicated Japan’s participation and was “contrary to common sense.”

The report observed that “because no country regards the use of weapons approved by the international standards of UN PKO as use of force prohibited under the Charter of the United Nations . . . the use of weapons by the SDF should not be constituting the use of force prohibited by Article 9 . . . where weapons are used . . . to resist those who are attempting to prevent UN PKOs from discharging their duties.” The panel argued that “political decisions on a case-by-case basis should determine Japan’s participation in PKO activities.”⁵⁶

As for Japan’s logistical support for countries engaged in UN peacekeeping operations, the panel noted that, while Japan’s provision of such support per se is not considered use of force, its integration (*ittaiika*) into actions that result in the use of force by other PKO units risked being judged as violating the constitution. Finding that “it is unrealistic to determine whether *ittaiika* takes place or not in ever-changing circumstances,” the panel judged *ittaiika* as placing “undue restrictions of Japan’s logistical support activities” and recommended adopting a constitutional interpretation that “collective security and similar peace operations are not activities prohibited by Article 9.”⁵⁷

The Yanai report was not acted on. Prime Minister Abe resigned in September 2007; his successor, Yasuo Fukuda, did not take up the recommendations of the advisory panel; nor did subsequent LDP or DPJ governments.

However, 6 years later in December 2012, Abe returned as prime minister, and in February 2013, he reconstituted the Advisory Panel on Reconstruction of the Legal Basis for Security. The panel issued its report with recommendations on May 15, 2014. The report opened with a discussion of the historical evolution of the interpretation of Article 9 of Japan’s Constitution and the exercise of individual self-defense and collective self-defense. Echoing the analysis of the December 2013 National Security Strategy that the international security environment surrounding Japan has become “ever more severe,” stemming from “technological progress, an expansion of cross-border threats and changes in the inter-state power balance,” the panel judged that “Japan is now facing a situation where adequate responses can no longer be taken under the interpretation of the Constitution to date in order to maintain the peace and security of Japan and realize peace and stability in the region and in the international community.”⁵⁸

Accordingly, with respect to Article 9, the panel, while agreeing that the existing interpretation of paragraph 1 should be understood as “prohibiting the threat or use of force to resolve international disputes to which Japan is a party,” argued that the paragraph should not be understood as “prohibiting the use of force for the purpose of self-defense, nor imposing any

constitutional restrictions on activities consistent with international law.” As for paragraph 2, renouncing the maintenance of “war potential,” the panel asserted that it should be understood as “not prohibiting the maintenance of force for other purposes, namely self-defense or so-called international contributions to international efforts.” And as for the existing interpretation that self-defense measures be limited “to the minimum extent necessary,” the panel argued that:

*the exclusion of the right of collective self-defense “from the minimum extent necessary,” while including the right of individual self-defense, is inappropriate as it attempts to formally draw a line on the “minimum necessary extent” by and abstract legal principle and should be interpreted that the exercise of the right of collective self-defense is also included in the “minimum extent necessary.”*⁵⁹

Regarding the exercise of the right of collective self-defense, the panel judged that:

when a foreign country that is in a close relationship with Japan comes under an armed attack and if such a situation could pose a serious impact on the security of Japan, Japan should be able to participate in operations to repel such an attack by using force to the minimum extent necessary, having obtained an explicit request or consent from the country under attack, and thus to make a contribution to the maintenance and restoration of international peace and safety, even if Japan itself is not directly attacked.

Whether to exercise the right of collective self-defense, which because it “is a right and not an obligation,” should be a policy decision that the government could refrain from exercising.⁶⁰

The panel judged that military measures employed in UN-authorized collective security should not be construed as “‘the use of force’ as a means of settling international disputes . . . and should therefore be interpreted as not being subject to constitutional restrictions.” A decision to participate in UN-authorized operations would require Diet approval. The panel also judged Japan’s participation as follows: “in UN PKOs, the protection and rescue of Japanese nationals abroad, and international security cooperation, no one of these constitutes the ‘use of force’ as prohibited under Article 9 and therefore the use of weapons in the course of such activities . . . should be interpreted as not being restricted constitutionally.” As for the theory of “*ittaika*,” which it considered in its 2007 report, the

panel found that it presented “significant obstacles to actual security operations” and urged that the “the concept itself should be discontinued.”⁶¹

The report also considered situations related to “imminent unlawful infringement” (gray zone situations, such as submarines loitering in Japanese waters or landings on Japan’s remote islands) and questioned whether existing legislation would allow the SDF to exercise the right of individual self-defense to deal with infringements that do not constitute “the organized and planned use of force against Japan.”⁶²

In an interview with *Yomiuri Shimbun* published on April 23, 2014, during his visit to Japan, President Obama made clear that the United States:

*enthusiastically welcomed Japan’s desire to play a greater role in upholding international security. I commend Prime Minister Abe for his efforts to strengthen Japan’s Self-Defense Forces and to deepen coordination between our militaries, including by reviewing the existing limits on the exercise of collective self-defense. We believe that it is in the interest of both countries for Japanese Self-Defense Forces to do more within the framework of our alliance.*⁶³

Recommendations

This report of the Institute for National Strategic Studies makes the following recommendations with respect to the areas highlighted for consideration in review of the Guidelines for U.S.-Japan Defense Cooperation as set out in the October 3, 2013, 2+2 statement.

Defense of Japan/Situations in Areas Surrounding Japan

A starting point in the guidelines review process is to consider what the defense of Japan and situations in areas surrounding Japan means in the rapidly evolving 21st-century security environment. In dealing with threats to the peace and security of Japan, it is important to develop a credible and effective framework for “seamless” cooperation between the United States and Japan across the spectrum from peacetime to armed attack, to allow for prompt response toward de-escalation as well as escalation. Accordingly, it is important to develop continuous, consistent, and cooperative efforts with regard to joint planning, joint exercising, and joint operations.

Defense of Japan, including the Senkaku Islands, should address China’s growing A2/AD challenge that could put at risk the U.S. ability to “access” Japan and extend deterrence.

The Roles, Missions, and Capabilities discussion, including joint training, should focus on this challenge. Development of a “Joint Assured Access Plan,” with cyber, space, ballistic missile defense, antisubmarine warfare, and intelligence, surveillance, and reconnaissance components, would serve both to strengthen the defense of Japan and enhance the deterrence posture of the alliance.

Today, emerging threats from cyber and space domains and advancing A2/AD capabilities suggest that the present understanding of SIASJ—“surrounding areas” and “rear area support”—is both operationally constraining and unrealistic and should be considered to encompass greater depth and breadth. Collectively, the security challenges of the 21st century speak to the need for a conceptual review of the current understanding and relevance of the concept with regard to both the defense of Japan and emerging security challenges. A main objective of the guidelines review process should be to determine how roles and missions can be apportioned to provide “assured access” for U.S. forces deploying from the Eastern Pacific to defend Japan against aggression.

Extended Deterrence and Antiaccess/Area Denial

Japanese concerns over deterrence challenges posed by North Korea must be considered. The threat posed by North Korea’s nuclear and missile arsenal will only increase in the years ahead. That prospect has caused debate to resurface in Japan over the need for a Japanese “strike” capability to enhance alliance-based deterrence. Reassuring Japan of the U.S. extended deterrence commitment, as well as U.S. capabilities with respect to North Korea, should be a central objective of the guidelines review. Joint planning to deal with North Korean provocations would serve to enhance deterrence and reassure Japan of U.S. commitment.

Likewise, Japanese concerns with the deterrence challenge posed by China at both the strategic and regional levels must be addressed. At the strategic level, the Extended Deterrence Dialogue is a key element in reassuring Japan of the U.S. commitment to extend deterrence in the face of China’s increasing long-range strike capabilities; at the regional level, it is important to reassure Japan of the U.S. commitment and capabilities to operate successfully in an anti-access/area-denial environment.

The present U.S.-Japan Extended Deterrence Dialogue should be integrated into the guidelines review process; at the same time, measures to address the A2/AD challenge posed by China should be considered. In this context, there is need for a more comprehensive discussion of Japan’s role in extended deterrence. While it is important for the United States to reassure Japan of its commitment and capabilities to extend deterrence, it is equally important for Japan to

participate in joint efforts with the United States aimed at strengthening the overall deterrence picture, in particular with regard to A2/AD challenges.

Gray Zones

Planning for gray zone situations should be integrated into the guidelines review. This is important to strengthening the deterrence posture of the alliance, if for no other reason than that failure to address this issue would be noticed across the region.

In the United States, concerns have been expressed over the issue of possible “entrapment” in a Japan-China conflict evolving out of a gray zone situation in the Senkakus. However, joint planning on gray zone scenarios would give the United States influence and leverage over response scenarios, steps toward both de-escalation as well as escalation. The U.S.-Republic of Korea joint planning with respect to North Korean provocations can stand as a model.

Enhancing Alliance Coordination

The 1997 Revised Guidelines for U.S.-Japan Defense Cooperation established a bilateral coordinating mechanism among relevant U.S. and Japanese agencies to be activated only during contingencies. To enhance alliance coordination, the bilateral coordinating mechanism should be made to function under normal circumstances at the level of both countries’ national security councils. This would enhance policy coordination across a wide range of issues, including, but not limited to, humanitarian assistance/disaster relief, peacekeeping, and anti-piracy operations, at both regional and global levels.

At an operational level, enhanced intelligence-sharing should be advanced. This is critical to the evolution of seamless cooperation across a broad spectrum of situations and contingencies. Realization of such cooperation will serve to enhance the deterrence posture of the alliance. Japan’s adoption of the Information Security Act, providing for the protection of classified information within the Japanese government, has opened the door to a closer intelligence relationship within the alliance.

Beyond government-to-government engagement, steps should also be taken to enhance the intellectual content and understanding of the policy debate in both countries. Private sector foundations, think tanks, and universities in both countries can play a significant role in this regard. Student exchanges between the United States and Japan are critical to the formation of the next generation of leaders in both countries.

Creation of a Defense High-Technology Forum

The 1997 guidelines review took place at a time when the Internet was in its infancy. Both governments recognize that the rapid development of technology is driving transformation across the globe. Technology also holds the promise to transform the ways in which defense and deterrence can be operationalized in the years ahead. A Defense High-Technology Forum would focus on just-above-the-horizon disruptive technologies such as directed energy, cyber, nanotechnology, and autonomous systems (unmanned aerial and submersible platforms) that can shape the future of defense and deterrence.

Creation of a Defense Industry Forum

Defense industries in both the United States and Japan face a future of static, if not declining, defense budgets. Both countries have an interest in maintaining critical defense industry infrastructure as well as a skilled defense workforce. Cooperation, rather than competition, for scarce defense resources promises to avoid costly duplication and to strengthen the defense industries in both countries. Cooperation can be advanced by establishing a private sector Defense Industry Forum.

Security-Related Cooperation with Allies and Like-Minded Partners

Japan's decision to use Overseas Development Assistance for strategic purposes as well as the decision to revise the three principles governing arms export to allow for the transfer of defense equipment opens the door to expanded U.S.-Japan cooperation in the Asia-Pacific region and beyond. In Southeast Asia, capacity-building, with respect not only to law enforcement agencies but also to the construction of ports, airfields, and other transportation and communication facilities, can enhance stability and contribute to the maintenance of an open maritime order. Joint planning with regard to specific programs and objectives will enhance efficiency and effectiveness.

The Exercise of the Right of Collective Self-Defense

The Institute for National Strategic Studies Special Report of October 1, 2000, *The United States and Japan: Advancing Toward a Mature Partnership*, reads as follows:

Japan's prohibition against collective self-defense is a constraint on alliance cooperation. Lifting this prohibition would allow for closer and more efficient

*security cooperation. This is a decision that only the Japanese people can make. The United States has respected the domestic decisions that form the character of Japanese security policies and should continue to do so. But, Washington must make clear that it welcomes a Japan that is more willing to make a greater contribution and become a more equal alliance partner.*⁶⁴

That judgment still stands.

On July 1, 2014, the Abe government announced its decision to reinterpret Japan's constitution to allow for the exercise of the right of collective self-defense. This decision will significantly shape the substance of the guidelines review and the alliance itself in the years ahead, serving to strengthen both the deterrence posture of the alliance as well as its operational effectiveness by allowing for closer planning and training for a wide range of contingencies that affect the security interests of both Japan and the United States. Critical legislation to implement the government's decision on collective self-defense, including laws governing the Self-Defense Force, will come before the Diet in 2015.

Notes

¹U.S. Department of State, Joint Statement of the Security Consultative Committee, “Toward a More Robust Alliance and Greater Shared Responsibilities,” available at <<http://www.state.gov/r/pa/prs/ps/2013/10/215070.htm>>. While the United States takes no position with respect to Japan’s claim of sovereignty over the Senkaku Islands, former Secretary of Defense Chuck Hagel, in a statement accompanying release of the Joint Statement, reaffirmed U.S. policy on them, namely “that since they are under Japan’s administrative control, they fall under United States treaty obligations to Japan. We strongly oppose any unilateral or coercive action that seeks to undermine Japan’s administrative control.” President Barack Obama, in an interview with *Yomiuri Shimbun*, reiterated that position: “The policy of the United States is clear—the Senkaku Islands are administered by Japan and therefore fall within Article 5 of the U.S.-Japan Treaty of Mutual Cooperation and Security. And we oppose any unilateral attempts to undermine Japan’s administration of these islands.”

²Former Foreign Ministry official Kunihiro Miyake, commenting on Joint Statement references to “coercive and destabilizing behavior in the maritime domain” and “disruptive activities in space and cyberspace,” observed that “whether or not any country is actually named, it is evident that this is about China.” As for the agreement that the Japan Aerospace Exploration Agency will share information with the United States, Miyake wrote: “It is a form of cooperation at the government level that would have been unthinkable for Japan in the past. This is a concrete example of the progress being made in the Japan-U.S. alliance.” U.S. Embassy Translation Service, “The Hidden Results of the Japan-U.S. 2 Plus 2,” *Sankei Shimbun*, October 17, 2013, 7. Yuki Tatsumi of the Stimson Center, commenting on the agreement to integrate the defense acquisition dialogue into the framework of defense cooperation, wrote: “A more serious discussion on how the United States and Japan can pursue a ‘combined’ approach to smart defense spending is long overdue.” See Yuki Tatsumi, *U.S.-Japan “2+2” Statement: Breaking New Ground?* PacNet 77 (Washington, DC: Center for Strategic and International Studies, October 10, 2013), available at <<http://csis.org/publication/pacnet-77-us-japan-22-statement-breaking-new-ground>>.

³See *Guidelines for Japan-U.S. Defense Cooperation: Report by the Subcommittee for Defense Cooperation, Submitted to and Approved by the Japan-U.S. Security Consultative Committee*, November 27, 1978, available at <<http://fas.org/news/japan/sisin1e.htm>>.

⁴Michael J. Green and Koji Murata, *The 1978 Guidelines for the U.S.-Japan Defense Cooperation: Process and Historical Impact*, U.S.-Japan Project Working Paper Series #17 (Washington, DC: The George Washington University, 1998), available at <www2.gwu.edu/~nsarchiv/japan/GreenMurataWP.htm>.

⁵Japan deployed minesweepers of the Maritime Self-Defense Force to the Persian Gulf following the conclusion of hostilities.

⁶The Higuchi Report can be found appendix A of Patrick M. Cronin and Michael J. Green, *Redefining the U.S.-Japan Alliance*, McNair Paper 31 (Washington, DC: NDU Press, 1994).

⁷*Ibid.*, 30.

⁸*Ibid.*, 42.

⁹*Ibid.*, 43.

¹⁰*Ibid.*, 44–45.

¹¹*Ibid.*, 45.

¹² See Ministry of Foreign Affairs of Japan, “National Defense Program Outline in and after Fiscal Year 1996,” available at <www.fas.org/news/japan/ndpo.htm>.

¹³ See Subcommittee for Defense Cooperation Report, “Guidelines for Japan-U.S. Defense Cooperation,” November 27, 1978, available at <<http://fas.org/news/japan/sisin1e.htm>>.

¹⁴ Interview with Ambassador Rust Deming. While it did not figure directly in the review of the defense guidelines, the Taiwan Straits missile crisis of 1995–1996 did lead the Clinton administration to deploy two U.S. Navy aircraft carrier battle groups into international waters off Taiwan. The USS *Independence* was at the time home-ported in Yokosuka, Japan.

¹⁵ Ministry of Foreign Affairs of Japan, “Japan-U.S. Joint Declaration on Security: Alliance for the 21st Century,” April 17, 1996, available at <www.mofa.go.jp/region/n-america/us/security/security.html>.

¹⁶ See Ministry of Foreign Affairs of Japan, “The Guidelines for Japan-U.S. Defense Cooperation,” available at <<http://mofa.go.jp/region/n-america/us/security/guidelines2.html>>.

¹⁷ Ministry of Defense of Japan, “Defense of Japan 2009,” 483, available at <www.mod.go.jp/e/publ/w_paper/2009.html>.

¹⁸ In 2006, North Korea fired seven ballistic missiles into the Sea of Japan and conducted its first nuclear test.

¹⁹ *The Council on Security and Defense Capabilities Report—Japan’s Visions for Future Security and Defense Capabilities*, 3, 5, available at <www.globalsecurity.org/...news/2004/041000-csdc-report.pdf>.

²⁰ *Ibid.*, 12.

²¹ *Ibid.*, 29.

²² *Ibid.*, 33.

²³ Ministry of Defense of Japan, “National Defense Program Guidelines, Fiscal Year 2005,” December 10, 2004, available at <www.mod.go.jp/e/d_act/d_policy/pdf/national_guidelines.pdf>.

²⁴ *Ibid.*

²⁵ David Fouse, “Japan’s FY 2005 National Defense Program Outline: New Concepts, Old Commitments,” *Asia-Pacific Security Studies* 4, no 3. (March 2005).

²⁶ Ministry of Defense of Japan, “Defense of Japan 2005,” 13, available at <www.globalsecurity.org/military/library/report/2005/defense-of-japan2005.htm>.

²⁷ “Japan Wary of China’s Growing Military,” *New York Times*, August 2, 2005, available at <<http://nytimes.com/2005/08/02/world/asia/02iht.japan.html>>.

²⁸ Keiichi Yamamura, “Nakagawa Says China Military Spending Threatens Japan (Update 1),” *Bloomberg.com*, March 7, 2007, available at <www.bloomberg.com/apps/news?pid=newsarchive&sid=aOZEMjCopX0Y>.

²⁹ “Politics in Command,” *Comparative Connections*, July–September 2007, available at <csis.org/files/media/csis/pubs/0703qjapan_china.pdf>.

³⁰ “Japanese Foreign Minister Says Stronger China Poses Threat to Region,” *HouseofJapan.com*, March 25, 2013, available at <www.houseofjapan.com/local/japanese-foreign-minister-says-stronger>.

³¹ Japan Ministry of Defense, *Part III: Initiatives of Defense of Japan*, available at <www.mod.go.jp/e/publ/w_paper/pdf/2014/DOJ2014_3-1-1_web_1031.pdf>.

³² *Ibid.*, 183.

³³ *Japan National Security Strategy*, 1, available at <http://japan.kantei.go.jp/96_abe/documents/2013/_icsFiles/afieldfile/2013/12/17/NSS.pdf>.

³⁴ *Ibid.*, 8.

³⁵ *Ibid.*, 11.

³⁶ *Ibid.*, 12–13.

³⁷ *Quadrennial Defense Review 2014* (Washington, DC: Department of Defense, 2014), 4, available at <www.defense.gov/pubs/2014_Quadrennial_Defense_Review.pdf>.

³⁸ *Ibid.*, 16.

³⁹ *Ibid.*, 17.

⁴⁰ *Ibid.*, 6.

⁴¹ *Ibid.*, 7.

⁴² *Ibid.*, 36.

⁴³ *Japan National Security Strategy*, 7.

⁴⁴ The 2014 Quadrennial Defense Review recognized that North Korea, with the continuing development of its nuclear and ballistic missile programs, is a “growing direct threat to the United States.” *Quadrennial Defense Review 2014*, 4.

⁴⁵ Brad Roberts, “Extended Deterrence and Strategic Stability in North East Asia,” 5, 7, available at <www.nids.go.jp/english/publication/visiting/pdf/01.pdf>.

⁴⁶ Security Council and the Cabinet of Japan, “National Defense Program Guidelines for Fiscal Year 2011 and Beyond,” 7, available at <www.isn.ethz.ch/Digital-Library/Publications/Detail/?lng=en&id=156820>.

⁴⁷ *Ibid.*, 7, 10–12.

⁴⁸ *Quadrennial Defense Review Report* (Washington, DC: Department of Defense, February 2010), 73, available at <www.defense.gov/qdr/QDR%20as%20of%2026JAN10%200700.pdf>.

⁴⁹ Ministry of Defense of Japan, “National Defense Program Guidelines for Fiscal Year 2014 and Beyond,” December 17, 2013, 1, 3, 7, 9, 14, available at <[http://japan.kantei.go.jp/96_abe/documents/2013/_icsFiles/afieldfile/2013/12/17/NDPG\(Summary\).pdf](http://japan.kantei.go.jp/96_abe/documents/2013/_icsFiles/afieldfile/2013/12/17/NDPG(Summary).pdf)>.

⁵⁰ Both China and the Philippines claim Scarborough Shoal. In April 2012, both countries deployed ships to the area. Subsequently, both sides agreed to withdraw; however, contravening the agreement, China maintained its presence there and denied Philippine access.

⁵¹ *Report of the Advisory Panel on Reconstruction of the Legal Basis for National Security*, 1–2, available at <www.kantei.go.jp/jp/sing/anzenhosyou/report/pdf>.

⁵² *Ibid.*, 6.

⁵³ *Ibid.*, 7. Article 9 reads: “Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes. In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential will never be maintained. The right of belligerency of the state will not be recognized.”

⁵⁴ *Ibid.*, 10.

⁵⁵ *Ibid.*, 11.

⁵⁶ *Ibid.*, 13, 14.

⁵⁷ Ibid., 15, 16.

⁵⁸ *Report of the Advisory Panel on Reconstruction of the Legal Basis for Security*, May 15, 2014, 16, available at <www.kantei.go.jp/jp/singi/anzenhosyou2/dai7/houkoku_en.pdf>.

⁵⁹ Ibid., 27.

⁶⁰ Ibid., 30.

⁶¹ Ibid., 50.

⁶² Ibid., 42.

⁶³ “Obama Says Disputed Islands Within Scope of U.S.-Japan Security Treaty,” *Yomiuri Shimbun*, available at <article.wn.com/view/2014/04/23/Q_A>.

⁶⁴ *The United States and Japan: Advancing Toward a Mature Partnership*, Institute for National Strategic Studies Special Report (Washington, DC: NDU Press, 2000), available at <www.dtic.mil/dtic/tr/fulltext/u2/a403599.pdf>.

About the Author

Dr. James J. Przystup is a Senior Research Fellow in the Center for Strategic Research, Institute for National Strategic Studies, at the National Defense University. Dr. Przystup has worked on issues related to East Asia for close to 30 years on Capitol Hill, on the House of Representatives Subcommittee on Asian and Pacific Affairs, as the Deputy Director of the Presidential Commission on U.S.-Japan Relations, in the private sector at IBM, on the Policy Planning Staff of the Department of State, in the Office of the Secretary of Defense, and as Director of the Asian Studies Center at the Heritage Foundation. He holds a B.A. Summa Cum Laude from the University of Detroit and an M.A. and Ph.D. from the University of Chicago.

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